

CITY OF ALBEMARLE, NC

Sidewalk Café Permit Manual



ALBEMARLE
NORTH CAROLINA
Water. Air. Land. Opportunity.

144 North 2nd Street (P.O. Box 190) Albemarle, NC 28001

Phone: (704) 984-9400

Fax: (704) 984-9445

Introduction

Welcome and thank you for your interest in the City of Albemarle to consider opening your sidewalk café in downtown Albemarle! This document will serve to help your organization prepare your sidewalk café and help address any questions you may have in the process. We openly accept sidewalk café applications from a restaurant. Completed application packets (with all supporting documentation) can be submitted to:

Katie Furr, Main Street Manager

144 N 2nd Street

PO Box 190, Albemarle, NC 28002-0190

(704) 984-9420

Table of Contents

Introduction 2

Application Process..... 4

 Annual Renewal Required..... 4

 Payments..... 4

Regulations and Sidewalk Usage..... 4

Site Layout and Ingress/Egress 5

Alcohol and Food Consumption..... 5

Permit Revocation..... 6

Other Requirements & Accommodations..... 7

 Debris/Trash Collection..... 7

 Noise Ordinance..... 7

FAQs 7

Application Process

1. Submit Application to:
Main Street Manager
144 N 2nd St
PO Box 190, Albemarle, NC 28002
(704) 984-9420
2. Permits may be granted to businesses within the Central Business District only.
3. All permit requests must be accompanied with a \$1,000,000.00 liquor liability policy that names the "City of Albemarle" as an additional-insured.
4. A successful inspection is required prior to permit issuance.
5. The permit fee of \$50 must be paid by cash or check or may be made by credit card if made in person at City Hall.

Annual Renewal Required

1. Annual Renewal is due by April 30 of each year. Permits are valid May 1-April 30 yearly.
2. A request for the required annual inspection should be submitted by March 1 to:
City of Albemarle Fire Marshal
144 N 2nd St
PO Box 190, Albemarle, NC 28002-0190
(704) 984-9480
3. For successful permit renewal, no violations of sidewalk café regulations in the prior year.
4. The permit renewal fee of \$50 must be paid by cash or check or may be made by credit card if made in person at City Hall.

Payments

All permit fees are due at time of application. Payments can be submitted in form of cash or check if you are submitting with the application. If you wish to pay with a credit card, the permit official or the City's business office can process credit payments upon application submittal.

Regulations and Sidewalk Usage

1. The café may only be in operation while the restaurant is open.
2. Operations must cease by 2 a.m.
3. The permit is non-transferrable or assignable.
4. No furnishings may be permanently affixed or attached.
5. Five feet of sidewalk width must remain unobstructed for pedestrian traffic.
6. Vertical furnishings must have at least a seven-foot clearance underneath.
7. A clear path for entering and exiting the restaurant must be present at all times.
8. The city reserves the right to request the removal of furnishings within a 24-hour time period. Furnishings not removed upon request will be removed and disposed of by the city at the cost of the business owner.

- a. The City reserves the right to require any sidewalk cafe established pursuant to this article to cease part or all of its operation in order to allow for construction, maintenance, or repair of any street, sidewalk, utility, or public building by the City, its agents or employees, or by any other governmental entity or public utility; and to allow for use of the street or sidewalk in connection with parades, civic festivals, and other events of a temporary nature as permitted by the City.
9. There shall be no permanent alteration resulting from furnishings to any street, sidewalk, pedestrian right of way, or to the exterior of the restaurant.
10. The business owner is responsible for any damage to public sidewalks as a result of the café furnishings.
11. The city is not responsible for damage to café furnishings.

Site Layout and Ingress/Egress

Upon time of application, a site layout is required and will be used in the permitting process. After permit is granted, the permittee must assure ingress and egress of the restaurant's main entrance/s maintained at all times. At no point shall customers block ingress or egress for any patrons of the restaurant. If you have questions regarding the location of seating and potential impact of ingress/egress, please contact:

City of Albemarle Fire Marshal
PO Box 190, Albemarle, NC 28002-0190
(704) 984-9480

Alcohol and Food Consumption

The City of Albemarle and North Carolina State Law regulate the possession, sale, and consumption of alcoholic beverages. Permits/licensing are required for the sale and consumption of alcoholic beverages at any restaurant or sidewalk café by the ABC Commission of North Carolina. Proper permits must also be obtained directly from the ABC Commission.

ABC Commission of North Carolina
4307 Mail Service Center, Raleigh, NC 27699-4307
(919) 417-0858
<http://abc.nc.gov/>
contact@abc.nc.gov

1. The possession, consumption, sale, and distribution of alcoholic beverages is permissible only within the perimeter approved within the sidewalk café permit. Sidewalk café permits do not grant authority to allow patrons to consume alcoholic beverages outside of the established permitted area.
 - a. Applicants must also obtain and maintain all the appropriate State and local permits needed for the possession, consumption, sell, or distribution of alcoholic beverage upon receiving approval within their special event application.

2. All permit requests must be accompanied with a \$1,000,000.00 liquor liability policy that names the “City of Albemarle” as an additional-insured. This insurance policy must remain intact or the permit will be revoked. A copy of insurance is required each year at the renewal period.
3. The sidewalk cafe must be included as part of the premises for which an ABC permit for a restaurant, as defined in G.S. § 18B-1000, is issued, pursuant to G.S. § 18B-1001, for the purpose of applying and enforcing state laws regarding the sale or consumption of alcoholic beverages on-premises.
4. The restaurant operator shall not have violated any law, regulation, or ordinance relating to the possession, sale, transportation or consumption of intoxicating beverages or controlled substances for the three (3) years preceding the commencement of the sale of alcoholic beverages at the sidewalk café.

NOTE: Nothing in this section will satisfy the need to obtain a separate permit from Stanly County Environmental Health (if needed). Please check directly with the County if you will be serving/selling food to see if you need a Temporary Food Permit.

Stanly County Environmental Health

1000 N. First St., Suite 13-A, Albemarle, NC 28001

(704) 986-3675

<http://www.stanlycountync.gov/environmental-health/>

Permit Revocation

A permit may be denied if it is found that the granting of the permit would not be in the public interest. Any applicant denied a permit to operate a sidewalk cafe shall receive a written statement, outlining the grounds on which the denial is based. The applicant may appeal the denial of the permit to the City Council within fifteen (15) working days after the date of the written denial and the City Council may take such corrective action as it shall find necessary. The findings and determination of the City council shall be final. Upon the issuance of any sidewalk café permit, the City Manager or his/her designee may revoke a permit at any time for any of the reasons provided in this section. Before the revocation of a permit, the restaurant operator shall be notified of the intent to revoke the permit and conduct a hearing to allow the operator to be heard on the question of such revocation; after said hearing, the City Manager shall notify the restaurant operation of the decision. The decision to revoke a sidewalk café permit can be appeal to the City Council. Permits may be revoked or denied for any of the following reasons:

1. Discovery the applicant deliberately provided false or misrepresented information in the permit application;
2. Failure to maintain proper health, business, or other permits and licenses required by law to operate a restaurant;
3. Failure to keep sidewalks free of refuse;
4. Operation of said sidewalk café creates a public nuisance and constitutes a hazard to public health, safety, or welfare; and/or
5. Violated any law, regulation, or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances.

Other Requirements & Accommodations

Debris/Trash Collection

Applicants are responsible for assuring all trash from their sidewalk cafe is properly collected in a timely manner; this includes any temporary or permanent receptacles within the area of the event location and any associated streets or public right of ways. Any and all costs associated with trash collection are the responsibility of the applicant.

Noise Ordinance

The City has a noise ordinance that prohibits unreasonably loud noises from 11:00 p.m. to 7:00 a.m. including any noises of construction, radios, horns, sound-producing equipment, etc. Please make sure all sidewalk cafes respect this noise ordinance. Civil penalties of \$100 may be issued for failure to abide.

FAQs

1. Can I use the City's electricity if I want to connect lights, a radio, or something else?

No.

2. Can I move barricades to accommodate a large table or party?

No.

3. What if my patrons throw trash on the sidewalk?

The business owner is responsible for keeping the sidewalk free of café-related debris.

4. Is my permit good until I cancel it?

No. Permits are only valid from May 1- April 30 of each year and require yearly renewal.

5. Can I get a sidewalk café in front of my storefront if I do not currently have a restaurant, but I am thinking about it?

No. A restaurant is a prerequisite for a sidewalk café permit.



City of Albemarle Sidewalk Café Permit Application
PO Box 190 Albemarle, NC 28001-0190

www.albemarlenc.gov

GENERAL INFORMATION			
Name of Restaurant:			
Address:		Telephone:	
Tax ID #:			
OPERATION OF SIDEWALK CAFÉ			
Days/Hours of Restaurant:		Days/Hours of Sidewalk Café:	
Describe how furnishings will stored when not in use:			
ATTACH MENU/S OF FOODS AND BEVERAGES TO BE SERVED			
OWNER/S INFORMATION			
Name/s of Owner:		Owner 2:	
Primary Address:	City:	State:	Zip:
Phone#:	Mobile#:	Email:	
Primary On-Site Contact:		Mobile:	
INSURANCE REQUIREMENTS			
Name of Policy Holder:	Policy#:	Type: General Liability	
Policy Amount:	Name if Insurance Agent:		
Name of Policy Holder:	Policy#:	Type: Liquor Liability	
Policy Amount:	Name of Insurance Agent:		
A COPY OF ALL POLICIES MUST BE PROVIDED WITH THE APPLICATION. CITY OF ALBEMARLE MUST BE LISTED AS “ADDITIONAL INSURED” PARTY.			
<p>I certify that the information contained in the foregoing application is true and correct to the best of my knowledge and belief that I have read, understand, and agree to abide by the rules and regulations governing the proposed Sidewalk Café Permit under the City of Albemarle Municipal Code and I understand that this application is made subject to the rules and regulations established by the City Council and/or City Manager or City Manager’s designee. Applicant agrees to comply with all other requirements by the City, County, State, and Federal Government, and any other applicable entity which may pertain to the use of the Sidewalk Café and the conduct operation of Sidewalk Café. I agree to abide by these rules, and further certify that I am also authorized to commit that organization and therefore agree to be financially responsible for any costs and fees that may be incurred by or on behalf of the Sidewalk Café to the City of Albemarle. I also understand the application fee is non-refundable and due at the time of application submittal. The submission of this application is not an automatic approval or guarantee.</p>			
Print Name of Applicant:		Signature	Date:
APPLICATIONS MUST BE RENEWED ANNUALLY. PERMITS VALID MAY 1st-APRIL 30th			
<p align="center">Additional Permit Attachments Included:</p> <ul style="list-style-type: none"> LI Site Plan (tables, barricades, and pedestrian way must be clearly labeled with measurements) LI General Liability Policy with City of Albemarle Listed as insured Party LI Liquor Liability Policy with City of Albemarle Listed as insured Party LI ABC Permit LI Health Permit LI Permit Fee (\$100) LI Indemnity Statement LI Menu 			